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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,570	10/08/2004	Alessandro Morelli	6391/PCT	9019

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EXAMINER
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TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/510,570

**Applicant(s)**

MORELLI ET AL.

**Examiner**

Sameh H. Tawfik

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 26-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims 26-40 drawn to an invention nonelected in Paper No. 04/24/2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks (U.S. Patent No. 3,229,974) in view of DuFresne (U.S. Patent No. 4,521,209).

Banks discloses a folding machine to fold a web material along transverse folding lines comprising at least one folding roller (Figs. 1 and 2; via folding rollers 27 and 28) provided with at least one gripping member (via 34 and 37) to mechanically grasp the web material along a folding line (Fig. 1).

Banks does not disclose that a gaseous flow member associated with the gripping member. However, BuFresne discloses a similar folding machine comprising a gaseous flow member (Fig. 1; via vacuum ports 36, and 34) to fold the web.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Banks's folding machine by having a gaseous flow

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member, as suggested by DuFresne, in order to grasp strongly and gently to the web while been folded.

Regarding claim 2: DuFresne discloses that the gaseous flow member is a suction member.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Banks's folding machine by having a gaseous flow member being a suction member, as suggested by DuFresne, in order to grasp strongly and gently to the web while been folded.

Regarding claim 3: Banks discloses two counter rotating folding rollers (via 27 and 28) with parallel axes, each of the counter rotating rollers being provided with at least one gripping member (via 34 and 37).

Regarding claims 4 and 19: DuFresne discloses that the suction member is associated with a device to activate and deactivate suction as a function of an angular position of a respective folding roller (column 3, lines 5-9 and Fig. 14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Banks's folding machine by having a gaseous flow member with suction member being associated with a device to activate and deactivate suction as a function of an angular position of a respective folding roller, as suggested by DuFresne, in order to grasp strongly and gently to the web while been folded.

Regarding claims 5 and 6: Banks discloses that the at least one gripping member comprises a movable element (via 34 and 37) cooperating with a first stop (Fig. 2; via surface 42) and second stop (via surface 33); the first stop and second stop defining a slit essentially

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parallel to an axis of rotation of a respective folding roller of the at least one folding roller (Figs. 1 and 2), the movable element (34) extending in the slit.

Regarding claim 7: Banks discloses that each of the at least one folding roller comprises at least one cavity substantially parallel to an axis of rotation and opens on a cylindrical surface of the folding roller inside which a respective gripping member is housed (via gripping member 34 inside cavity on the folding roller).

Regarding claims 9 and 10: Banks discloses that a first block defining the first stop is fixed in the cavity (via portion of surface 42, could be consider as block) and a second block defining the second stop (via 33).

Regarding claim 11: Blanks nor DuFresne disclose that the first block delimits a suction compartment in connection with the suction duct. However, as Dufresne discloses the use of suction duct and holes to fold a web. An exact location of such suction on the block or other place, is just a matter of engineering design choice.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Blanks folding machine, by having suction means located on Blank's block, as suggested by DuFresne, in order to grasp strongly and gently to the web while been folded.

Regarding claim 12: Blanks discloses that the movable element (34) is supported by a shaft (via shaft 41) oscillating around its longitudinal axis, supported in the cavity and wherein the first block (via 42) has a sealing surface cooperating with the oscillating shaft (41), see for example (Figs. 1 and 2).

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Regarding claim 13: Blanks discloses that each of the at least one gripping member include an elastic strip (via rubber jaw 34).

Regarding claim 14: Blanks discloses that the elastic strip is integral with the oscillating shaft and cooperates with the first stop, see for example (Figs. 1 and 2).

Regarding claims 15-18, 20, and 21: Blanks discloses that each of the counter rotating folding rollers is associated with a sliding block disposed on a front surface of the respective folding roller (via body of the gripper 34 and block 47); the sliding block (47) is disposed in a specific angular position adjustable with respect to the respective folding roller (via spring 50 and shaft 41).

Regarding claim 22: Blanks discloses that a cutting unit (via cut rollers 2 and 3) to cut the web material.

Regarding claim 23: Blanks discloses that the cut unit has two counter rotating cylinders (via 2 and 3) with axes parallel to each other and to the folding roller (Fig. 1); which define between them a nip through which the web material is fed and provided with blades and counter blades to cut the web material (Fig. 1).

Regarding claim 24: Blanks discloses that at least one folding roller (27) cooperates with a counter roller (28) on which a projection (via 38) is provided extending parallel to the axis of the rollers (Figs. 1 and 2).

Regarding claim 25: Blanks discloses that the corresponding projection (38) is provided on each of the at least one folding roller, each projection of one of the at least one folding roller cooperating with a gripping member of the opposite folding roller, see for example (Fig. 1).

***Response to Arguments***

Applicant's arguments filed 12142006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both applied references to Banks and DuFresne are relating to feeding and folding continuous web. While Banks is lacking the teaching of using suction or gaseous flow member to control the web, DuFresne discloses the use of the suction and gaseous flow member to fold the web. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Banks's folding machine by having a gaseous flow member, as suggested by DuFresne, in order to grasp strongly and gently to the web while been folded. Note that the claimed limitations "to insert the web material into said at least one gripping member which grasps the web material." is not given much patentable weight as it is an intended use.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

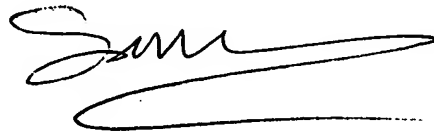
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
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A handwritten signature in black ink, appearing to read 'Sameh', with a long horizontal flourish extending to the right.

ST.